

CF 107

(2)

**IN THE HIGH COURT OF JUDICATURE AT
BILASPUR (C.G.)**

W.P. (C) NO. 1366 /2007

PETITIONERS

- ✓:1. Alvish Ekka, S/o. Binku,
Caste-Uraon, aged about 58..
years,
- 2. Vijay Ekka, S/o. Binku, Caste-
Uraon, aged about 55.. years.
- 3. ^WMy. Melani Sukra W/o. Binku, Caste-
Uraon, aged about 76.. years

P.R. No. 1599/07
Presented by Mr. Sanjay Aggarwal
23/12/07



All Resident of Village Rengale
(Baliya Toli), P.C. No.18, R.I.
Circle, Bagicha, Tahsil Seel
Bagicha, District Jashpur
(C.G.)

VERSUS

RESPONDENTS:

- ✓ 1. Fulmani, Wd/o. Matiyas,
Caste Uraon, aged about 70
years, Resident of Village
Upka Musgutari, Tahsil
Bagicha, District Jashpur
(C.G.)
- 2. Mini, D/o. Matiyas, Caste-
Uraon, aged about 45 years,
Resident of Village Katig, P.S.
and District Gumla
(Jharkhand).
- 3. The State of Chhattisgarh,
Through the Collector
Jashpur, District Jashpur
(C.G.)

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WRIT PETITION UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA

HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (C) No. 1366 of 2007.

Petitioners : Alvish Ekka & Others

Versus

Respondents : Fulmani & Others

**Present: Shri Raghavendra Pradhan, Advocate for the petitioner.
None appears for the respondents.**

ORDER

(Passed on 9th of March, 2007)

1. This petition under Article 227 challenges the validity of the order dated 7.2.2007 passed by the Civil Judge Class II Jashpur, in Civil Suit No. 45-A/2004 (43-A) whereunder the application of the petition filed under Order 22 Rule 4 has been dismissed on the ground that the deceased Fulmani left behind her legal representatives Jyoti Ekka, Balam Dina, Firiska and Rajesh etc. The learned counsel disputes the finding of the facts recorded by the Civil Court. It is a question of fact which can not be decided in a petition under Article 227 of the Constitution.
2. It is well settled principle of law that under Article 227 of the Constitution of India, this Court has jurisdiction of judicial review of the order passed by the Court below, in the event, there is manifest and apparent error on the face of the proceedings based on the clear ignorance or utter disregard to the provisions of law or there is grave failure of justice or

grave injustice has occasioned thereby. Further, this Court should refrain itself from entertaining a petition in its supervisory jurisdiction if there is no perversity, irregularity or illegality in the process of decision, not in the decision itself.

3. Applying the above settled principles of law to the facts of the present case, it does not warrant interference with the decision passed by the Court below.
4. Thus, this petition is dismissed, summarily. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge